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Honorable Judge Marc Barreca
Hearing Location: Seattle 7106
Hearing Date: April 15, 2011
Hearing Time: 9:30 a.m.
Response Date: April 15, 2011

6 IN THE UNITED STATES BANKRUPTCY COURT
7 WESTERN DISTRICT OF WASHINGTON

8 In re:) Chapter 13 Bankruptcy
9 Rodolfo M. Masangkay) Adversary No.: 11-01207-MLB
10 Asiatica E. Masangkay)
11 Debtors.) Bankruptcy Case No.: 09-13671-MLB
12)
13 Rodolfo M. Masangkay)
14 Asiatica E. Masangkay,)
15 Plaintiff,)
16 v.)
17 Key Bank National Association and LVNV)
18 Funding, LLC,)
19 Defendants.)
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Defendant, LVNV Funding, LLC (“Defendant”) hereby moves the Court to extend the deadline for Defendant to file an Answer or other responsive pleading (the “Motion”) in the above-entitled and numbered Chapter 13 case.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Rodolfo M. Masangkay and Asiatica E. Masangkay (“Plaintiffs”) filed this adversary complaint on March 7, 2011. Defendant retained Houser & Allison, APC on April 7, 2011 to represent its interest in this adversary proceeding. Houser & Allison, APC has not had sufficient time to review the case and provide an adequate response by the response deadline of April 8, 2011. Therefore, Defendant requests an extension of time to file an answer or other responsive pleading through April 28, 2011.

II. **LEGAL STANDARD**

Defendant's Motion is based upon F.R.B.P. rule 9006 (b) which states that "when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefore is made before the expiration of the period originally prescribed..." Defendant's deadline to respond has not yet expired and may be extended under rule F.R.B.P. 9006(b).

Plaintiffs' Complaint addresses matters in the bankruptcy proceeding dating back to March of 2010. Due to the extensive number of filings in the lead bankruptcy case and the contested nature of this matter, Defendant's attorney needs additional time to review and digest the substantial history of the Plaintiffs' case. Defendant's attorney was retained on April 7, 2011, just one day before the response deadline. Defendant's attorney has not had enough time to review this matter and discuss a recommended course of action for the Defendant. A twenty (20) day response deadline extension will allow the Defendant fair representation by its attorney in a case involving potentially adverse treatment of a substantial secured claim.

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III. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that this Court grant Defendant's Motion to Extend Deadline for Defendant to File Answer or Other Responsive Pleading.

DATED this 8th day of April, 2011

HOUSER & ALLISON,
A Professional Corporation

By: /s/ ROBERT W. NORMAN, JR.
ROBERT W. NORMAN, JR., WSB# 37094
Attorneys for LVNV Funding, LLC